EXHIBIT 2: Initial Study and Negative Declaration

Notice of Determination

Form C

To: ☐ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

☒ County Clerk
County of Marin
Civic Center
San Rafael, CA 94903

From: (Public Agency) Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925
(Address)

FILED

NOV 25 2003

MICHAEL J. SMITH
MARIN COUNTY CLERK
By: J. Whitney, Deputy

Subject:
Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Triangle Marsh Restoration Plan
Project Title

State Clearinghouse Number (If submitted to Clearinghouse)	Lorraine Weiss Director of Environmental Services Lead Agency Contact Person	415/927-5064 Area Code/Telephone/Extension

Triangle Marsh along Paradise Drive, Corte Madera, Marin County
Project Location (include county) APN#s: 026-061-04, -21, -23

Project Description: Allow the wetland restoration plan to restore tidal marsh habitat at Triangle Marsh, a 31-acre site along Paradise Drive. (see attached.)

This is to advise that the Planning Commission has approved the above described project on
☒ Lead Agency ☐ Responsible Agency

October 28, 2003 and has made the following determinations regarding the above described project:
(Date)

1. The project [☐will ☒will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒were ☐were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [☐was ☒was not] adopted for this project.
5. Findings [☒were ☐were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:
not applicable since it was a mitigated neg dec

Lorraine Weiss	November 8, 2003	Director of Environmental Services
Signature (Public Agency)	*Date*	*Title*

Date received for filing at OPR:

Revised May 1999

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Governor's Office of Planning and Research

CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location Name and Address of Project Proponent (include county):
Triangle Marsh Restoration Plan along Paradise Drive, Town of Corte Madera, Marin County

Project Description: A wetland restoration plan to restore tidal marsh habitat at Triangle Marsh, a 31-acre site along Paradise Drive. (See attached)

Findings of Exemption (attach required findings):
An Initial Study has been prepared by the Town of Corte Madera to evaluate the potential for adverse environmental impact and there is no evidence before the Town that the proposed project as mitigated (See attached) will have any potential for adverse effect on wildlife resources. Planning Commission Resolution No. 03-029 is attached adopting the Mitigated Negative Declaration for the project.

Certification:
I hereby certify that the lead agency has made the above findings of fact and that based upon the initial study and hearing record the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Lorraine Weiss
(Chief Planning Official)
Director of Environmental Services
Title:
Lead Agency Town of Corte Madera
Date 11.8.03

DFG 753.5 (5/91)

TOWN OF CORTE MADERA
ENVIRONMENTAL SERVICES DEPARTMENT
MITIGATED NEGATIVE DECLARATION

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk, Marin County

FILED
OCT 0 1 2003
MICHAEL J. SMITH
MARIN COUNTY CLERK
By _____ DEPUTY

FROM: Lorraine Weiss, Director of Environmental Services
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Project Title: Triangle Marsh Restoration Project

Proponent: Marin Audubon Society

Project Location: Triangle Marsh, Corte Madera, Marin County
APN #'s: 026-061-04; 026-061-21; 026-061-23

Project Description: Marin Audubon Society seeks a wetland restoration plan to restore tidal marsh habitat at Triangle Marsh, a 31-acre site along Paradise Drive adjacent to San Francisco Bay. Existing site features include tidal marsh and tidal pannes on the western and central portions of the site, upland fill in the southeastern portion of the site adjacent to Paradise Drive; a remnant berm along the western site boundary; and Central San Francisco Bay on the northern boundary, which includes intertidal mudflats and shallow open water.

The Restoration Plan for Triangle Marsh presents plans to restore 1.89 acres of filled baylands on the site to tidal marsh and wetland-upland transition and to create a small berm to demarcate public access areas separate from the restored wetlands. The project purpose is to increase the extent of habitat for marsh-dependent species such as the California clapper rail and the salt marsh harvest mouse and to provide passive wildlife viewing while maintaining a suitable buffer from the restored tidal marsh. An estimated 10,670 cubic yards of soil will be excavated, 2,445 cubic yards used on site for berm construction, and 8,225 cubic yards removed for off-site disposal.

The project consists of removing fill to restore 1.8 acres of tidal marsh and beneficially reuse some of that fill to create a berm that will provide high tide transition and adjacent upland habitat. For ease in describing the project, the site has been divided into the Western, Middle and Eastern Sections. The following work will be performed:

1) Western Section (old levee):

Work in this section will:

- Excavate 250 cubic yards of fill to lower elevations from the exiting 8 to 9 ft. NAVD to 5 ft. NAVD to restore 0.180 ac. (7,856 sq. ft.) of tidal marsh. The purpose of this excavation is to expand marsh habitat and to discourage public access to the section of levee that will remain to the north. With a large seed bank to the west and east, native vegetation should colonize naturally on the newly lowered areas.

POSTED 10/1/03 TO 10/21/03

- Construct a tidal channel through the center of this long, narrow section of filled land to ensure adequate flooding and draining of the newly restored area of marsh. With a large seed bank to the west and east, native vegetation is expected to colonize naturally on the newly lowered area.

- Create 0.178 acres (7,743 sq. ft.) of transitional high tide refugia by excavating to elevations of

6.5 to 8 ft. NAVD. This area will surround the tidal marsh basin on the fourth side, grading into existing tidal marsh along its northern side, to the Marin Country Day School ball field to the east, and to the newly graded low berm to the south. Native species will be planted in this area to supplement natural colonization and promote target wildlife habitats.

- Create 0.547 acres (23,879 sq. ft.) of uplands as a low berm parallel to Paradise Drive with a crest elevation 3 ft. above the roadway, no crest width, 2:1 slopes south to the road shoulder, and variable 2:1 to 7:1 slope north to the transitional wetland high tide refugee and tidal marsh. The berm path will meander gently alongside Paradise Drive to soften its visual effect and it will preserve existing shoulder parking.

The purpose of this berm is the same as for the middle section, to provide high tide refugia habitat, discourage public intrusion into the restored and natural marsh, retain material on-site to reduce costs, and allow visual access for walkers, bicyclists, and drivers along Paradise Drive. The northern side of this berm will provide high tide refugia and upland buffer, with public access intended to remain on its south (roadway) slope. Native species with high cover and foraging value for wildlife will be planted on the berm. A small earthen public access viewing area, a semicircle 20 ft. wide, will be constructed on top of this berm with a path leading up the berm slope to it. The viewing area will cover a total of 200 sq. ft.

Recommendation: The Environmental Services Director is recommending that the project will not have a significant adverse impact on the environment, and therefore will not require an Environmental Impact Report.

Finding: Based on the attached Initial Study, it has been found that the project would not have a significant effect on the environment as mitigated (see mitigation measures within the Initial Study).

TOWN OF CORTE MADERA

Initial Study

Triangle Marsh Restoration Plan

September 2003

TOWN OF CORTE MADERA
Initial Study

PROJECT DESCRIPTION

1. **Project Title:**
   Triangle Marsh Restoration Plan

2. **Lead Agency Name and Address:**
   Town of Corte Madera
   Environmental Services Department
   300 Tamalpais Drive
   Corte Madera, CA 94925

3. **Contact Person and Phone Number:**
   Barbara Salzman 415-924-6057

4. **Project Location and APN:**
   Paradise Drive, across from Ring Mountain Open Space Preserve
   APN#s 026-061-04; 026-061-21; 026-061-23

5. **Project Sponsor's Name and Address:**
   Marin Audubon Society
   c/o Barbara Salzman
   48 Ardmore Road
   Larkspur, CA 94939

6. **General Plan Designation:**
   Wetlands, Unique Marshland, Related Habitat and Potential Habitat Restoration Areas

7. **Zoning:**
   POS/BRNH (Parks, Open Space & Natural Habitat District with Baylands Risk Natural Habitat Overlay Zoning District)

8. **Description of Project:**

Marin Audubon Society seeks a wetland restoration plan to restore tidal marsh habitat at Triangle Marsh, a 31-acre site along Paradise Drive adjacent to San Francisco Bay. Existing site features include tidal marsh and tidal pannes on the western and central portions of the site, upland fill in the southeastern portion of the site adjacent to Paradise Drive; a remnant berm along the western site boundary; and Central San Francisco Bay on the northern boundary, which includes intertidal mudflats and shallow open water.

The Restoration Plan for Triangle Marsh presents plans to restore 1.89 acres of filled baylands on the site to tidal marsh and wetland-upland transition and to create a small berm to demarcate public access areas separate from the restored wetlands. The project purpose is to increase the extent of habitat for marsh-dependent species such as the California clapper rail and the salt marsh harvest mouse and to provide passive wildlife viewing while maintaining a suitable buffer from the restored tidal marsh. An estimated 10,670 cubic yards of soil will be excavated, 2,445 cubic yards used on site for berm construction, and 8,225 cubic yards removed for off-site disposal.

The project consists of removing fill to restore 1.8 acres of tidal marsh and beneficially reuse some of that fill to create a berm that will provide high tide transition and adjacent upland habitat. For ease in describing the project, the site has been divided into the Western, Middle and Eastern Sections. The following work will be performed:

1) Western Section (old levee):

Work in this section will:

- Excavate 250 cubic yards of fill to lower elevations from the exiting 8 to 9 ft. NAVD to 5 ft. NAVD to restore 0.180 ac. (7,856 sq. ft.) of tidal marsh. The purpose of this excavation is to expand marsh habitat and to discourage public access to the section of levee that will remain to the north. With a large seed bank to the west and east, native vegetation should colonize naturally on the newly lowered areas.

- Excavate 70 cubic yards of the levee immediately north of the restored tidal marsh, 0.156 ac. (6,797 sq. ft.) down to 7 to 8 NAVD to restore high tide refugia. Native species will be planted in this area to supplement natural colonization and promote target wildlife habitats.

The northern 140 feet of the levee, a portion of which has subsided and is now vegetated with wetland and upland plants, will be left in place to serve as high tide refugia habitat for clapper rails and other species.

The excavated material will be removed to Redwood Landfill for use as daily cover or to Bel Marin Keys where it will be used for marsh restoration of subsided baylands.

2) Middle Section: Excavate 1,620 cy of fill to create tidal marsh, transitional wetland and upland refugia. 905 cy of this soil will be used to construct an upland berm. The remainder of the excavated fill, 714 cy, will be removed to Redwood Landfill for use as daily cover or to Bel Marin Keys for beneficial reuse in restoring tidal marsh. Current elevations range between 7 to 12 ft. NAVD.

Work in this section will:

- Create 0.198 ac (8,630 sq. ft) of tidal marsh by excavating the marsh plain to 5.3 ft. NAVD with the eastern end of this area connecting to the existing tidal channel through the middle of the site. With a large seed bank to the west, north, and east, native vegetation should colonize naturally on the newly lowered area.

- Create 0.064 ac (2,770 sq. ft.) of transitional wetland high tide refugia by grading to elevations of 6.5 to 8 ft. NAVD. This area will surround the tidal marsh basin on the southern side, grading into existing tidal marsh along its northern and western sides and to a newly graded low berm to the south. Native species will be planted in this area to supplement natural colonization and promote target wildlife habitats.

- Create 0.252 ac. (11,011 sq. ft.) of uplands as a low berm parallel to Paradise Drive with a crest elevation three feet above the roadway, no crest width, 2:1 slopes south to the road shoulder and 4:1 slopes north to the transitional wetland high tide refugia and tidal marsh. The purpose of this berm is to provide high tide refugia habitat, discourage public intrusion into the restored and natural marsh, retain material on-site to reduced costs, and allow visual access for walkers, bicyclists, and drivers along Paradise Drive. The northern side of this berm will provide the high tide refugia, with public access intended to remain on its south (roadway) slope. Native species will be planted in this area to supplement natural colonization and promote the target wildlife habitats noted above.

3) East Section - Excavate 8.720 cubic yards of fill to create tidal marsh and transitional wetland, and use 1,540 cy of this soil to create an upland berm. Current elevations range between 7 to 13 ft. NAVD. The remaining excavated fill, 7,180 cy, will be removed to Redwood Landfill for use as daily cover or to Bel Marin Keys for beneficial reuse in restoring tidal marsh.

Work in this section will:

- Create 1.190 acres (51.817 sq. ft.) of tidal marsh by excavating a marsh plain sloped from 5.0 to 5.3 NAVD with the western end of this area connecting to the existing tidal channel through the middle of the site.

- Construct a tidal channel through the center of this long, narrow section of filled land to ensure adequate flooding and draining of the newly restored area of marsh. With a large seed bank to the west and east, native vegetation is expected to colonize naturally on the newly lowered area.

- Create 0.178 acres (7,743 sq. ft.) of transitional high tide refugia by excavating to elevations of 6.5 to 8 ft. NAVD. This area will surround the tidal marsh basin on the fourth side, grading into existing tidal marsh along its northern side, to the Marin Country Day School ball field to the east, and to the newly graded low berm to the south. Native species will be planted in this area to supplement natural colonization and promote target wildlife habitats.

- Create 0.547 acres (23,879 sq. ft.) of uplands as a low berm parallel to Paradise Drive with a crest elevation 3 ft. above the roadway, no crest width, 2:1 slopes south to the road shoulder, and variable 2:1 to 7:1 slope north to the transitional wetland high tide refugee and tidal marsh. The berm path will meander gently alongside Paradise Drive to soften its visual effect and it will preserve existing shoulder parking.

The purpose of this berm is the same as for the middle section, to provide high tide refugia habitat, discourage public intrusion into the restored and natural marsh, retain material on-site to reduce costs, and allow visual access for walkers, bicyclists, and drivers along Paradise Drive. The northern side of this berm will provide high tide refugia and upland buffer, with public access intended to remain on its south (roadway) slope. Native species with high cover and foraging value for wildlife will be planted on the berm. A small earthen public access viewing area, a semicircle 20 ft. wide, will be constructed on top of this berm with a path leading up the berm slope to it. The viewing area will cover a total of 200 sq. ft.

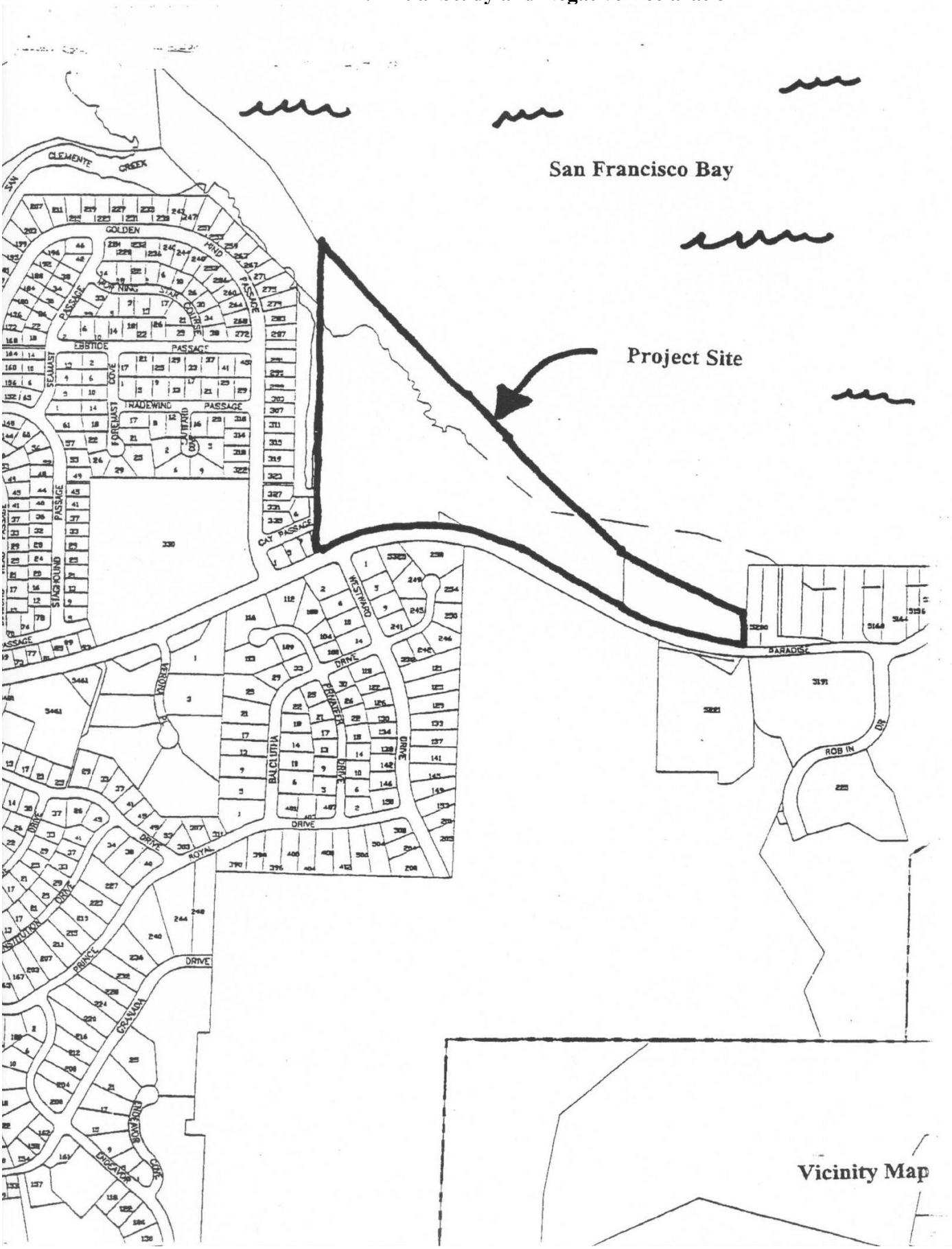
9. Surrounding Land Uses and Setting:
North - San Francisco Bay
South - Marin County Open Space District's Ring Mountain Preserve
East - Marin County Day School ball field
West - Mariner Cove Subdivision

The 32-acre project site consists of historic and current marshland and Bay. Approximately 4 acres was filled probably when Paradise Drive was constructed and the roadway leveled by pushing the dirt into the marsh. Other fill has been dumped through the years. Approximately 10 acres is ancient marsh that has never been diked (an unusual feature in San Francisco Bay) and 16.57 acres is open water/intertidal habitat.

10. Requested Applications:
Conditional Use Permit, Environmental Assessment, Grading Permit

11. Other public agencies whose approval is required:
Army Corps of Engineers
Bay Conservation and Development Commission
Regional Water Quality Control Board

EXHIBIT 2: Initial Study and Negative Declaration



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☑ Air Quality
☑ Biological Resources	☑ Cultural Resources	☑ Geology /Soils
☐ Hazards & Hazardous Materials	☑ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☑ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☑ Transportation/Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

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DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lorraine Weiss — 9/29/03

Signature — Director of Environmental Services, Town of Corte Madera — Date

I. AESTHETICS

ISSUES: [and Supporting Information Sources]	Potentially Significant Impact	Less Than Significant with Mitigation Incorporati	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista? (1,3,4)	☐	☐	☐	☑
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (1,3,4,)	☐	☐	☐	☑
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (1,3,4)	☐	☐	☐	☑
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (1,3,4)	☐	☐	☐	☑

Discussion

Items a-d - No Impact
The project will have a beneficial impact on aesthetics because it will remove unsightly piles of dirt and debris that have been dumped over the years and restore the property to native habitat.

A berm will be constructed along much of the length of Paradise Drive. It will have a crest height of 3 feet above the existing surface. The purpose of the berm is to provide transition/buffer habitat for the endangered species during times of high tide. The berm will also send a message separating the marsh habitat from public area and enable excavated fill to be used on-site. The berm could block views to the Bay and marsh.

To avoid blocking views, the berm is designed to be a maximum three feet high so that walkers, bikers and drivers can see over it. The berm will only be located in the areas that will be graded, and will not be located along the existing tidal marsh. A-20 foot wide viewing area will be constructed along the eastern end of the berm to provide a viewing area.

No light source will be installed on site.

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ISSUES: [and Supporting Information Sources]	Potentially Significant Impact	Less Than Significant with Mitigation Incorporati	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (1,3,4)	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1,3,4)	☐	☐	☐	☑
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (1,3,4)	☐	☐	☐	☑

III. AIR QUALITY

ISSUES: [and Supporting Information Sources]	Potentially Significant Impact	Less Than Significant with Mitigation Incorporati	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? (1,3,6)	☐	☐	☑	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (1,3,6)	☐	☐	☑	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (1,3,6)	☐	☐	☑	☐
d) Expose sensitive receptors to substantial pollutant concentrations? (1,3,6)	☐	☐	☐	☑
e) Create objectionable odors affecting a substantial number of people? (1,3)	☐	☐	☐	☑

Discussion

Items a-c – Less Than Significant Impact
A project would have a significant effect on air quality if air pollutant emissions would cause the exceedance of ambient air quality standards, contribute to existing or projected air quality exceedances, or expose sensitive receptors to substantial pollutant concentrations.

The use of diesel-powered construction equipment and trucks for soil excavation, grading, and soil removal will add diesel emissions during construction. Approximately 400 truckloads of soil will be removed from the site utilizing 20 cubic yard trucks. Construction duration will be approximately 1.5 months. The movement of dirt in the dry season could create dust.

The project would not likely result in a cumulatively considerable increase in air pollutants. However, temporary dust emission would be generated during excavation, grading and construction phases of this project. The construction phase of the project would comply with standard Town practices to minimize dust and auto emissions during grading, which would be imposed as building permit conditions of approval. These standard conditions of approval include limitations on hours of construction and materials delivery, restricting truck hauling to certain Town truck routes, maintenance requirements to clean up any dirt or debris that is spread on public right-of-ways as a result of construction activities, coverage requirements for construction materials during non-working hours, and other construction-related issues.

Implementation of dust control measures during the grading and construction phases would reduce this temporary impact to less-than-significant levels.

Mitigation Measure III.c.1: Application approvals shall be conditioned to require the implementation of dust control measures during construction activities. The following measures shall be implemented throughout project construction:

a. Water all active construction areas at least twice daily and more often during windy periods.
b. Cover all hauling trucks or maintain at least two feet of freeboard. Dust-proof chutes shall be used as appropriate to load debris onto trucks during demolition.
c. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
d. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited on adjacent roads.
e. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas).
f. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
g. Limit traffic speeds on any unpaved roads to 15 mph.
h. Replant vegetation in disturbed areas as quickly as possible.

Items d,e – No Impact
There are no sensitive receptors that are located within immediate proximity to the site. The closest sensitive receptor to the site is the Aegis Assisted Living complex, which is located approximately 1/2 mile west of the subject property.

The proposed marsh restoration plan would not have any operations that would subject the public or neighbors to objectionable odors.